

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

GERALDINE TYLER, on behalf of	)	Appeal No. 20-3730
herself and all others similarly	)	
situated,	)	
<i>Appellant,</i>	)	
v.	)	
HENNEPIN COUNTY and	)	
MARK V. CHAPIN, Auditor-	)	
Treasurer in his official capacity,	)	
<i>Appellees.</i>	)	
	)	

**APPELLANT GERALDINE TYLER'S  
METHOD OF APPENDIX PREPARATION, DESIGNATION OF THE  
RECORD, AND STATEMENT OF THE ISSUES**

**Method of Appendix Preparation**

On January 8, 2021, counsel for Appellant provided counsel for Appellees with a list of parts of the record which Appellant intends to include in an appendix, consistent with FRAP 30(b) and Eighth Circuit Rule 30A(b). The parties are still discussing whether they will agree to a joint appendix. But if the parties cannot reach an agreement, Appellant will submit a separate appendix instead.

## **Designation of the Record**

Pursuant to FRAP 10(b) and this Court's December 30, 2020, Briefing Schedule Order, Appellant Geraldine Tyler (Tyler) already has received the transcript of the hearing on the motion to dismiss and no other transcript will be ordered. Appellant designates that the following parts of the record are expected to be included in the appendix:

1. Amended Complaint (D. Minn. docket # 1-2, pp. 39-64);
2. Notice of Voluntary Dismissal of Defendants State of Minnesota and Cynthia Bauerly (# 9);
3. Motion to Dismiss (# 11);
4. Order Granting Motion to Dismiss (# 45);
5. Judgment (# 46);
6. Declaration of Rebecca Holschuh, with Exhibits 1 and 2 (# 36, 36-1, and 36-2); and
7. Federal district court docket entries and state trial court docket entries.

## **Statement of Issues To Be Raised**

Tyler designates the following issues to be raised on appeal:

1. Whether the district court erred in dismissing Tyler's federal and state takings and inverse condemnation claims for failure to state a claim, where she alleges Hennepin County and its Auditor-Treasurer took her condo

without just compensation to satisfy a \$15,000 debt, sold the property for \$40,000, and kept all the proceeds as a windfall.

2. Whether the district court erred in dismissing Tyler's federal and state excessive fines claims for failure to state a claim, where she alleges Hennepin County and its Auditor-Treasurer took her property worth at least \$40,000 as punishment for her failure to pay \$15,000 in taxes, penalties, interest, and costs.
3. Whether the district court erred by dismissing substantive due process claim for failure to state a claim, where Tyler alleges Appellees took her condo to satisfy a \$15,000 debt, sold the property for \$40,000, and kept all the proceeds as a windfall.
4. Whether the district court erred by dismissing Tyler's unjust enrichment claim for failure to state a claim, where Tyler alleges Appellees took her condo to satisfy a \$15,000 debt, sold the property for \$40,000, and kept all the proceeds as a windfall.

DATED: January 13, 2021.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Christina M. Martin

CHRISTINA M. MARTIN